

## UNITED STATES DEPARTMENT OF COMMERCE **Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	YAMAGISERST NAMED INVENTOR	H	ATTORNEY DOCKET NO.
09/511,830	02/44/			
		QM12/1108		
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Sughrue Mion Zinn Macpeak & Seas 2100 Pennsylvania Avenue NW Washington DC 20037-3202

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ART UNIT PAPER NUMBER 11/08/81

**DATE MAILED:** 

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 

Office Action Summary    Examiner		Application No.	Applicant(s)			
Examiner			4			
Alvin A. Hunter   3711   37	Office Action Summary					
The MALLING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Extractions of them may be available under the provisions of 3 CFR 1.136(a). In one event, however, may a right be timely fitted the state of the many between the provisions of 3 CFR 1.136(a). In one event, however, may a right be timely fitted the state of the provision of 13 CFR 1.136(a). In one event, however, may a right be timely fitted to the provision of the provision of 3 CFR 1.136(a). In one event, however, may a right be timely fitted or the provision of th						
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HE MAILING DATE OF THIS COMMUNICATION.  Editables of the may be available under the providence of 3 CFR 1.13(d <sub>0</sub> ). In no event, however, may a reply be timely filed after SX (8) MONITS from the mailing date of this communication.  I NO period for reply is seafable under the providence of 3 CFR 1.13(d <sub>0</sub> ). In no event, however, may a reply be timely filed after SX (8) MONITS from the mailing date of this communication.  I NO period for reply is seafable above, the mailiner statisticity period will apply and will expect \$(8) (MONITS from the mailing date of this communication, even if timely filed, may reduce any statistics provided by the office active the nine men emotion share the mailing date of this communication, even if timely filed, may reduce any statistics.  Palliure to reply within the set or estended period for reply will, by statistic, cause the application to become ABANDONED (3) U.S.C. § 133). Any reply reduced by the office active the nine men emotion share the mailing date of this communication, even if timely filed, may reduce any statistics.  Status  1) Responsive to communication(s) filed on 16 October 2001.  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-3 is/are pending in the application.  4) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1-3 is/are objected to.  3) Claim(s) 1-3 is/are objected to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawings correction filed on is/are: a) approved by disapproved by the Examiner.  12) Acknowledgment is m	• •	(10.05T.TO.5VDID5.4.40VIT)				
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	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal				

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### **DETAILED ACTION**

### Terminal Disclaimer

The terminal disclaimer filed on October 16, 2001 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Application No. 09/129,883 has been reviewed and is accepted. The terminal disclaimer has been recorded.

The terminal disclaimer has removed the double patenting rejection. New rejection has been formulated as shown below.

## **Drawings**

As noted in the attached PTO-948, new formal drawings are required in this application because drawings were not submitted on white paper. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the Patent and Trademark Office no longer prepares new drawings.

# Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi et al. (USPN 5695413) in view of Yamagishi et al. (USPN 5779563).

Yamagishi et al. (USPN 5695413) discloses a multi-layered golf ball having a two-layered core and cover (See Figure 1). The inner core has a distortion of 3.5 mm

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under an applied load of 100kg (See Figure 1). The cover layer has a Shore D hardness of 50 to 60 with a thickness of 1.3 to 2.4mm, and the outer core layer has a Shore D hardness of 20-70 with a thickness of 1.3 to 2.5mm (Figure 2). The product of the Shore D hardness of the outer core layer and cover layer would be 1000 to 4200 which is implied within Figure 2. Yamagishi et al. (USPN 5695413) fails to disclose dimples. Yamagishi et al. (USPN 5779563) discloses a plurality of dimples, at least three types of dimples different in diameter, in which the largest diameter is 4.150 mm having a dimple depth of .210mm, V<sub>o</sub> of .48, and the smallest dimple diameter is 3.5mm having a dimple depth of .210mm in order to improve flying distance, controllability, straight travel, roll, and durability (See Table 3, Type II). In addition, Yamagishi et al. discloses a V<sub>o</sub> of 0.40 to 0.65 in order to prevent a stall and descending trajectory (See Column 5, lines 38 through 47).

Therefore, it would have been obvious to include in the ball of Yamagishi et al. (USPN 5695413) to have a Shore D hardness product of 1000 to 4200 in order to have a ball which minimizes damage when being impacted by a club. In view of the patent of Yamagishi et al (USPN 5779563) it would have been obvious to modify the ball of Yamagishi et al. (USPN 5695413) to have type II dimples as defined by the claims in order to utilize a dimple pattern available in the market place to improve flying distance, controllability, straight travel, and roll.

## Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is 703-306-5693. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell, can be reached on (703) 308-2126. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Paul T. Sewell Supervisory Patent Examiner Group 3700

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